

FLORIDA
LUST TRUST FUND PREVENTION ASSISTANCE COOPERATIVE AGREEMENT WORK PLAN FY 2020

The outcome of this work plan will be land preservation due to improved installation and operation of underground storage tanks, which will result in fewer releases of petroleum and other hazardous materials into the environment.

Goal 1: Core Mission								
Objective 1.3: Revitalize Land and Prevent Contamination. Provide better leadership and management to properly cleanup contaminated sites to revitalize and return land back to communities.								
Goal 3: Rule of Law. Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.								
Objective 3.1: Compliance with the Law. Timely enforce environmental laws to increase compliance rates and promote cleanup of contaminated sites through the use of all of EPA's compliance assurance tools, especially enforcement actions to address environmental violations.								
Categorical Grant:								
BFS Code	Outcome / Output Measure	2018 National SOC	2019 National Target	2018 State SOC/TCR	2019 State Target	Measurement Period or date	Source of Data	Comments
Strategic Targets								
FY 2019	By 2019, increase the percentage of UST facilities that are in significant operational compliance with both release detection and release prevention by 0. 5% over the previous year's target out of a total estimated universe of approximately 200,000 facilities. National goal of 71% for year 2019.	70.3%	70.8%	65.7%	66.2%	10/1/2018 – 9/30/20	Quarterly report from State	
Program Measures								
FY 2019	Percentage of UST facilities that are in significant operational compliance with both release detection and release prevention (spill, overfill and corrosion protection requirements.)	70.3%	70.5%	65.7%	66.2%	10/1/2018 – 9/30/20	Quarterly report from State	

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List of Commitments

TASK	ACTIVITY	REF	DATE DUE	YES/NO/NA	STATE COMMITMENTS
State Program Development					
1.	<p>Develop/revise State authorities and regulations for the State UST program in order to meet new federal UST made effective October 13, 2015.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>OSWER DIRECTIVE 9630.10,</p> <p>2 CFR § 200</p>	Ongoing		<p>FDEP adopted revisions to state regulations that incorporate the Energy Policy Act of 2005 and revision of 40 CFR 280 on January 11, 2017. FDEP has adopted rules requiring Operator Training for UST facilities and prohibit fuel delivery as specified under the federal Energy Policy Act of 2005, these Rules 62-761.350 and 62-761.400(5), Florida Administrative Code that became effective August 7, 2014.</p>
2.	<p>Inspect all regulated UST facilities once every 3 years.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>UST Compliance Act of 2005</p> <p>Final EPA Guideline 510-R-07-004</p> <p>2 CFR § 200</p>	Ongoing		<p>No more than three years can elapse between tank inspections. The inspection cycle is a rolling three- year requirement, with a new three-year cycle ending each day.</p> <p>Indicate number of regulated facilities that are subject to triennial inspections:</p> <p>10,049</p>
3.	<p>Make available to the public a record of regulated USTs, in accordance with EPA guidelines.</p> <p>Record should include data collected from October 1 through September 30 of each year.</p> <p>Report available to public on or before December 31 of each year.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>UST Compliance Act of 2005</p> <p>Final EPA Guideline 510-R-07-001</p> <p>2 CFR § 200</p>	<p>12/31/2018, 2019</p> <p>Annually</p>		<p>The State of Florida publishes a public record of regulated USTs, in accordance with EPA guidelines each year. The State publishes the records for data gathered from July 1 – June 30 on the Department’s website along with data from previous years. The public may view site-specific scanned documents via the OCULUS database.</p> <p>This report should match, or be very close, to the same data as that was reported under the 4th Quarter STARS/LUST 4.</p>

4.	<p>Develop and/or implement a fuel delivery prohibition program, in accordance with EPA guidelines.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>UST Compliance Act of 2005</p> <p>Final EPA Guideline 510-R-06-003, August 2006</p> <p>2 CFR § 200</p>	In place		<p>On June 27, 2011, FDEP implemented an on-line Green Tag listing of facilities that satisfied their storage tank registration requirements. This listing authorizes fuel deliveries. On August 7, 2014, the Department adopted Rule 62-761.400(5), Florida Administrative Code to prohibit delivery at UST facilities with unresolved noncompliance.</p>
5.	<p>Database Management - Maintain an ongoing tank notification program and capability to report aggregate data derived from the notification requirements to EPA on an annual basis.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>OSWER DIRECTIVE 9630.10, 2 CFR § 200</p>	In place		<p>The State of Florida maintains an ongoing tank notification program that includes notifying tank owners by both mail and online. Florida also has the capability to report aggregate data derived from the notification requirements and reports these to EPA in the quarterly STRS reports. The State continues to work towards a paperless process.</p>
6.	<p>Develop State authorities and procedures for an adequate compliance monitoring and enforcement program as related to the 2015 UST regulations.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>OSWER DIRECTIVE 9630.10, 2 CFR § 200</p>	Ongoing		<p>The State of Florida continues to use and develop its authority and procedures for adequate compliance monitoring and enforcement. FDEP and contracted entities monitor regulated storage systems within all sixty-seven Florida counties. The State of Florida utilizes its main Tallahassee location and six district branch offices to oversee compliance contracts covering sixty-seven Florida counties.</p>
7.	<p>Secure technical assistance and training for State and local personnel for UST program implementation as it relates to requirements of the 2015 federal UST regulations.</p> <p>Report on progress and obstacles to progress in semi-annual performance reports required below.</p>	<p>OSWER DIRECTIVE 9630.10, 2 CFR § 200</p>	Ongoing		<p>FDEP conducts annual training of inspection staff for compliance monitoring. The State of Florida continues to use and develop its authority and procedures for adequate compliance monitoring and enforcement. FDEP and contracted entities monitor regulated storage systems within all sixty-seven Florida counties. The State of Florida utilizes its main Tallahassee location and six district branch offices to oversee compliance contracts covering sixty-seven Florida counties.</p>
10.	<p>Participate in Regional and National EPA meetings upon request by EPA, to the extent such participation can be supported by available travel allocations.</p>	<p>Regional Requirement</p>	Biannually		<p>FDEP will attempt to participate in biannual regional and other EPA regional and national meetings based on State of Florida travel restrictions.</p>

11.	Develop draft and/or final application for State program approval (SPA) related to the 2015 federal UST regulations, and submit to the EPA for approval. Report on progress and obstacles to progress in semi-annual performance reports required below.	OSWER DIRECTIVE 9630.10, 2 CFR § 200	10/13/2018		FDEP currently has no plans to apply for SPA application. 376.308(5) Florida Statutes provides owners and operators with certain defenses to compel remediation in certain conditions which conflicts with the federal regulations. FDEP and EPA Region 4 executed a Memorandum of Agreement to comply with the revisions to 40 CFR 280 on November 1, 2017.
12.	Statement explaining the similar nature of the scope of work and the existence of an approved QMP, thus insuring competency requirements for generating environmental measurement data.	EPA Policy Directive Number FEM-2012-02, <u>Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements.</u> Approved: March 13, 2013; Effective: October 1, 2013.			Inspections activities are reviewed for quality assurance and audited by independent parties.

Outreach

1.	Promote compliance with Federal and State requirements through outreach efforts designed to disseminate regulatory and technical information to the regulated community regarding new requirements mandated by the 2015 federal UST regulations. Report on progress and obstacles to progress in semi-annual performance reports required below.	OWSER DIRECTIVE 9630.10, 2 CFR § 200	Ongoing		The State of Florida continues to promote compliance with Federal and State requirements through outreach programs and environmental education to the regulated community and public throughout the state. The FDEP continues to provide regulatory and technical information to the public regarding new requirements mandated by the EPA's Energy Policy Act and 40 CFR 280.
2.	Distribute printed program material to the regulated community and interested citizens and organizations covering new regulations mandated by the EPAct. Report on progress and obstacles to progress in semi-annual performance reports required below.	OSWER DIRECTIVE 9630.10	Ongoing		The State of Florida continues to distribute printed material about the UST program to the regulated community and the public throughout the state. FDEP will provide interested individuals and organizations the new regulations mandated by the EPA. The State works toward a shift from printed documents to electronic resources.

3.	Make presentations about the UST program to public and private organizations in regards to meeting the 2015 federal UST regulations.	OSWER DIRECTIVE 9630.10	Ongoing		The State of Florida continues to make presentations to public and private organizations about the UST program as required and/or requested.
Compliance and Enforcement					
1.	Identify, investigate and resolve violations of the Federal regulations. Report on progress and obstacles to progress in semi-annual performance reports required below.	OSWER DIRECTIVE 9630.10, 2 CFR § 200	Ongoing		The State of Florida has and will continue to identify, investigate and resolve violations of the Federal regulations with assistance from contracted local government inspectors.
2.	Operate and enforce existing State UST program. Report on progress and obstacles to progress in semi-annual performance reports required below.	OSWER DIRECTIVE 9630.10, 2 CFR § 200	Ongoing		The State of Florida has and will continue to enforce existing State UST program rules and regulations with the assistance from contracted local government inspectors
3.	The ability to operate and enforce existing State regulations through the Federal facilities waiver of sovereign immunity. Report on progress and obstacles to progress in semi-annual performance reports required below.	UST Compliance Act of 2005, 2 CFR § 200	Ongoing		The State of Florida has the ability to operate and enforce existing State regulations through the Federal facilities waiver of sovereign immunity. The State will continue to operate and enforce these regulations.
4.	Carry out compliance and enforcement initiatives directed at UST systems subject to RCRA Subtitle I requirements. Report on progress and obstacles to progress in semi-annual performance reports required below.	OSWER DIRECTIVE 9630.10, 2 CFR § 200	Ongoing		The State of Florida continues to carry out compliance and enforcement initiatives directed at UST systems subject to RCRA Subtitle I requirements. The State plans to continue strategy for compliance and enforcement
5.	Project the number of UST compliance inspections to be accomplished in FY 18. Report on progress in the STARS and narrative reports required below. Report on progress and obstacles to progress in semi-annual performance reports required below.	Regional Requirement, 2 CFR § 200	Ongoing		Number of inspections needed to meet the continuous 3-year EPAAct requirement: 3350

6.	<p>Establish a target compliance rate for substantial operational compliance (reporting measure UST-6) consistent with the revised national definition of significant operational compliance issued by OUST on 3-8-05.</p> <p>Report on the progress in the STARS and narrative reports req'd below.</p>	<p>OECA/R4 Requirement</p> <p>2 CFR § 200</p>	Ongoing		<p>The State of Florida has established a target compliance rate for substantial operational compliance of USTs at 76%.</p>
Reporting					
1.	<p>Submit the EPA STARS and Supplemental reports on the following schedule:</p> <p>1'st quarter (Oct. – Dec.): 1/15/19, 20</p> <p>2'nd quarter (Jan. – March): 4/8/19, 4/7/20</p> <p>3'rd quarter (April – June): 7/15/19, 20</p> <p>4'th quarter (July – September): 10/7/19, 10/6/20.</p>	<p>OSWER DIRECTIVE 9630.10, 2 CFR § 200 OUST Memo dtd 8/14/96, and, FY 2008 National Program Guidance</p>	<p>1/15/19, 20</p> <p>4/8/19, 4/7/20</p> <p>7/15/19, 20</p> <p>10/7/19, 10/6/20</p>		<p>Using the appropriate STARS form for the newly enacted UST measures</p> <p>LUST4 Semiannual Reporting database/New LUST4 Measures</p> <p>LUST4 Semiannual Reporting database/New LUST4 Measures</p>

2.	<p>Submit a semi-annual performance report that includes:</p> <ol style="list-style-type: none"> 1. A comparison of actual accomplishments to the commitments included with each task in this work plan; 2. The reasons for commitments not being met; 3. Areas of success, including approaches that could be shared with other states; 4. Existing and potential problem areas; 5. Areas of improvement, including, where applicable, schedules for making improvements; and 6. Changes in program structure, staffing, and/or funding levels. <p>Due date is 30 days after the end the mid-year and end-of-year of the federal fiscal year.</p>	OSWER DIRECTIVE 9630.10, 2 CFR § 200	<p>4/30/19, 20</p> <p>10/31/19 ,20</p>		The State of Florida will submit the semiannual reports on the specified schedule.
3.	Budget provisions should be made to obligate or draw down a minimum 50% of the FY19 allocation.	Regional Requirement	3/15/19		State of Florida will meet the 50% minimal drawdown.

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PROGRAM ELEMENT ESTIMATES**

STATE: PROJECT PERIOD: October 1, 2018 – September 30, 2020

BUDGET PERIOD: October 1, 2018 – September 30, 2020

WORK PLAN ELEMENT	STATE FUNDING 25% Match	FEDERAL FUNDING	TOTAL FUNDING	WORKYEARS
1. STATE PROGRAM DEVELOPMENT				
2. OUTREACH				
3. COMPLIANCE AND ENFORCEMENT	\$ 326,889	\$ 700,000	\$ 1,026,888	2.7 WY
4. REPORTING				
TOTALS				
Are Pre-Award Costs* Requested? Yes ____ No ____ If, yes, Budget sheet should reflect those costs and category				

*Costs incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance and are in conformance with the appropriate statute and cost principles. Pre-award costs do include federal and non-Federal matching shares. Recipients incur pre-award costs at their own risk.